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## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

TRANSLATION

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)See Form PCT/ISA/210  
(sheet 2)

Applicant's or agent's file reference

2003P17009WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/052823

International filing date (day/month/year)

05.11.2004

Priority date (day/month/year)

05.12.2003

International Patent Classification (IPC) or both national classification and IPC

B60K15/077

Applicant

SIEMENS AKTIENGESELLSCHAFT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-9	YES
	Claims	NO
Inventive step (IS)	Claims 1-9	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims	NO

2. Citations and explanations:

**V.1 Prior art**

Reference is made to the following documents:

D1: US-B-6 606 980

D2: US-A-4 354 521

**V.2 Novelty and inventive step**

The subject matter of claim 1 is novel and involves an inventive step (PCT Article 33(2), (3)).

D1 and D2 disclose a delivery unit having the same structural construction as in the application, see D1, fuel pump (134), first chamber (124), second chamber (125) and throttling valve (passage 146), or D2, fuel pump (not shown, cf. line 5 and filter 6), first chamber (4; B), second chamber (3; A1, A2) and throttling valve (9; 15).

It cannot be gathered from D1 or D2 that the volumetric flow of fuel which is restricted by the valve is smaller than the volumetric flow which is delivered by the fuel

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

pump. A person skilled in the art also receives no suggestion to realize a corresponding design of this valve. He could not therefore arrive at the subject matter of claim 1.

On account of their back-references, the dependent claims likewise meet the PCT requirements for novelty and inventive step (PCT Article 33(2), (3)). They relate to refinements and developments of the invention.

**V.3 Industrial applicability**

The subject matter of claims 1 to 9 appears to meet the requirement of PCT Article 33(4), as it can at least be used in the motor vehicle industry.

**V.4 Comments**

1. The features of the preamble of claim 1 are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)). Independent claim 1 has not been drafted correctly in the two-part form defined by PCT Rule 6.3(b).

2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D2 or indicate the relevant prior art disclosed therein.